

Thomas Jefferson to John Breckinridge, November 24, 1803 , from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

TO JOHN BRECKENRIDGE J. MSS.

Washington Nov 24, 03.

Dear Sir, —I thought I perceived in you the other day a dread of the job of preparing a constitution for the new acquisition. With more boldness than wisdom I therefore determined to prepare a canvass, give it a few daubs of outline, and send it to you to fill up. I yesterday morning took up the subject and scribbled off the inclosed. In communicating it to you I must do it in confidence that you will never let any person know that I have put pen to paper on the subject and that if you think the inclosed can be of any aid to you you will take the trouble to copy it & return me the original. I am this particular, because you know with what bloody teeth & fangs the federalists will attack any sentiment or principle known to come from me, & what blackguardisms & personalities they make it the occasion of vomiting forth. My time does not permit me to go into explanation of the inclosed by letter. I will only observe therefore as to a single feature of the legislature, that the idea of an Assembly of Notables came into my head while writing, as a thing more familiar & pleasing to the French, than a legislation of judges. True it removes their dependence from the judges to the Executive: but this is what they are used to & would prefer. Should Congress reject the nomination of judges for 4 years & make them during good behavior, as is probable, then, should the judges take a kink in their heads in favor of leaving the present laws of Louisiana unaltered, that evil will continue for their lives, unamended by us, and become so inveterate that we may never be able to introduce

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the uniformity of law so desirable. The making the same persons so directly judges & legislators is more against principle, than to make the same persons Executive, and the elector of the legislative members. The former too are placed above all responsibility, the latter is under a perpetual control if he goes wrong. The judges have to act on 9, out of 10. of the laws which are made; the governor not on one in 10. But strike it out & insert the judges if you think it better, as it was a sudden conceit to which I am not attached; and make what alterations you please, as I had never [had] before time to think on the subject, or form the outlines of any plan, & probably shall not again. Accept my friendly salutations.